

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

SIOUX STEEL COMPANY, a South
Dakota corporation,

Civ. 15-4136

Plaintiff,

vs.

**MOTION FOR SUMMARY
JUDGMENT**

KC ENGINEERING, P.C., an Iowa
corporation,

Defendant.

Defendant KC Engineering, P.C., (“KC Engineering”), by and through its undersigned attorneys of record, and pursuant to Federal Rule of Civil Procedure 56, moves this Court for an order granting it summary judgment and dismissing Plaintiff Sioux Steel Company’s (“Sioux Steel”) Amended Complaint in its entirety. Sioux Steel’s own negligence bars it from asserting claims of negligence against KC Engineering. Because the material facts demonstrating that Sioux Steel was contributorily negligent are wholly undisputed, KC Engineering is entitled to judgment as a matter of law, and its motion for summary judgment should be granted.

In support of its motion, KC Engineering relies upon its Statement of Undisputed Material Facts, its Brief in Support of Motion for Summary Judgment, the Affidavit of Michael F. Tobin, and all the files and records of this action.

Dated this 16th day of March, 2018.

/s/ *Michael F. Tobin*

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